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18 **UNITED STATES DISTRICT COURT**
19
20 **NORTHERN DISTRICT OF CALIFORNIA**

21 DONNA LEACH, individually and on
22 behalf of the Estate of Clyde Leach,

23 Plaintiff,

24 v.

25 TESLA, INC. and DOES 1 through 100,
26 inclusive,

27 Defendants.
28

Case No. 23-cv-03378-SI

Honorable Susan Illston
Honorable Sallie Kim

**[PROPOSED] SECOND AMENDED
PRETRIAL PREPARATION ORDER
(CIVIL)**

Pursuant to Docket No. 69, Plaintiff DONNA LEACH, individually and on behalf of the Estate of Clyde Leach (“Plaintiff”) and Defendant TESLA, INC. (“Defendant”) (collectively, “the parties”), hereby propose the below dates and deadlines for the remainder of this case. Following extensive meet and confer efforts, the parties’ five remaining areas of disagreement are indicated in bold font, with the parties’ respective positions explained in the footnotes.

EVENT	PLAINTIFF	DEFENDANT
NON-EXPERT DISCOVERY CUTOFF	9/12/2025	8/15/2025
PLAINTIFF’S DESIGNATION OF EXPERTS	10/10/2025	9/13/2025
DEFENDANT’S REBUTTAL AND DISCLOSURES	11/7/2025	10/10/2025
PLAINTIFF’S REBUTTAL	12/5/2025¹	10/24/2025²
EXPERT DISCOVERY CUTOFF	1/16/2026³	12/8/2025⁴

¹ Plaintiff’s position is that the amount of time between Defendant’s Rebuttal and Plaintiff’s Rebuttal is the same as that of the Court’s original Pretrial Preparation Order of October 10, 2023, at Docket No. 19.

² Defendant Tesla’s position is that Plaintiff’s proposal allows for an unusually long period for rebuttal disclosures—and more than the Court’s last scheduling order. It also problematically pushes expert discovery out into the holidays, causing scheduling complications, as explained below.

³ Plaintiff’s position is that timing of, and days between, the Expert Discovery Cutoff and the Dispositive Motions filing deadline is the same as that of the Court’s original Pretrial Preparation Order of October 10, 2023, at Docket No. 19.

⁴ Defendant Tesla’s position is that Plaintiff’s expert discovery cutoff falls *after* the Rule 702/Daubert dispositive motion deadline, which does not make sense and invites potential supplemental/amended briefing and confusion. Additionally, with the Plaintiff’s proposed expert discovery schedule, the parties will be in the often impossible position of having to schedule the depositions of at least eight or more experts during the holidays. This nearly always causes additional delays, disputes, and scheduling issues. Tesla’s proposed deadline allows for the completion of expert discovery before Rule 702/Daubert motions and adequate and appropriate time for expert depositions.

EVENT	PLAINTIFF	DEFENDANT
DISPOSITIVE (AND RULE 702/DAUBERT) MOTIONS FILING DEADLINE	1/5/2026	1/5/2026
OPPOSITIONS DUE	1/19/2026	1/19/2026
REPLY DUE	1/26/2026	1/26/2026
LAST DATE FOR HEARING	2/6/2026 at 10:00	2/6/2026
PRETRIAL PAPERWORK DUE	3/17/2026	3/17/2026
PRETRIAL CONFERENCE DATE	3/31/2026 at 1:30	3/31/2026
JURY TRIAL DATE (Estimated 21 Days)	4/20/2026 at 8:30	4/20/2026

Dated: March 14, 2025

MCCUNE LAW GROUP, APC

By: /s/ Todd A. Walburg

TODD A. WALBURG

SCOTT B. BAEZ

Attorneys for Plaintiff

DONNA LEACH, individually and

on behalf of the Estate of Clyde Leach

Dated: March 14, 2025

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ Eden M. Darrell

SANDRA G. EZELL

EDEN M. DARRELL

TREVOR C. ZEILER

Attorneys for Defendant TESLA, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of March, 2025, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of California using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

Dated: March 14, 2025

/s/ Todd A. Walburg

Todd A. Walburg